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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,740	02/22/2002	Irwin Kotovsky	KOTOV-14	8291

7590 08/03/2006

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EXAMINER

CARIASO, ALAN B

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/084,740

Applicant(s)

KOTOVSKY, IRWIN

Examiner

Alan Cariaso

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,7-15,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,7-15,17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Receipt of applicant's response filed May 2, 2006 is acknowledged. Claims 1-3, 7-15, 17 and 18 are pending, of which claims 1 and 7 are amended. Claims 4-6 and 16 are canceled.

### ***Drawings***

2. The drawings (filed March 5, 2004) are objected to because they are generally informal that include uneven and crooked markings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

3. Claim 1 is objected to because of the following informalities: Claim 1, line 3, "the first lamp" incorrectly precedes "a first lamp" on line 5. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-3 and 7-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 1, lines 5-6, the phrase "means for lighting including a first lamp and at least a second lamp, which holds the second lamp and one transformer..." is indefinite as missing the correct subject or having an incorrect subject that holds the second lamp and one transformer.

7. Claims 2, 3 and 7-14 are indefinite for depending on indefinite claim 1.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-3, 7-15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over HUTAIN (US 6,095,671) in view of GOEBEL (US 2,625,646).
10. In regards to claims 1-3, 11-15, 17 and 18, HUTAIN discloses an apparatus (figs.1-3) for lighting a room from the room ceiling comprising: a first gimbal ring assembly (302, fig.3, col.11, lines 14-44 and col.14, lines 64-65) which holds a first lamp (col.11, lines 35-38); means (208) for lighting a first lamp (174c, fig.2D) and at least a second lamp (174c, fig.2D) which holds the second lamp (174c) and one transformer (208-fig.2D, col.14, lines 60-62) electrically connected to the first and second lamps (174c), the first and second lamps (174c) being either a low voltage or a line voltage (col.10, lines 13-14); and a housing (box 108, trim housing 120,122) for holding the first and second lamps (174c), the housing (108,120,122) having an outer surface (108) inherently made of at least synthetic, the housing (108,120,122) having a first wall (fig.1), a second wall in spaced relation opposing and in parallel with the first wall (fig.2A), and as a box (col.5, lines 59-62) has a third and fourth walls connected to and in perpendicular relation with the first wall and second wall and the fourth wall is in spaced relation and in parallel with the third wall, the bottom of the first, second, third and fourth walls defining a plane (ceiling 4, fig.2A); wherein the housing (108,120,122) includes an interior (120,122), and an outer layer (108) positioned about the interior (120,122), the outer layer (108) having the outer surface (108), the outer layer (108) inherently made of synthetic; wherein the housing (108,120,122) has a rectangular shape (fig.1, or "box" col.5, line 59); wherein the housing (108, 120, 122) is semi-

recessed or recessed (figs.1-3) from the ceiling (4); wherein the lighting means includes a lamp socket (172, fig.2A) for holding the lamp (174) and the housing (108,120,122) includes a metal heat plate (134, fig.2A) disposed adjacent the housing top (col.5, lines 63-67) having an opening (135) through which the socket (172) extends, the metal heat plate transmitting heat away (illustrated by air current arrows in fig.2A) from the lamp socket (172); wherein the transformer (208, fig.2D) is integral to and attached adjacent the housing (108,120,122); and given the lighting apparatus, HUTAIN provides the steps of placing the outer layer (108) about an interior made of at least metal (col.5, lines 49-50), and introducing a lamp socket (174,174c) connected to a transformer (208, fig.2D, col.10, lines 20-25) adjacent the housing (108,120,122) for either a low voltage or line voltage lamp (col.10, lines 13-14); placing and adjusting (fig.3) a yoke (eyeball 304) in the housing (108,120,122) for holding the lamp (174c) in the housing (108,120,122).

11. However, HUTAIN does not disclose: a second gimbal ring assembly (claim 1); mitered, butted or overlapped corners of the first, second, third and fourth walls (claim 7); the outer layer being formed of fixed, interchangeable or removable plates regressed, flush or protruding with respect to the housing circumference that contact the first to fourth walls (claims 8-10); the outer layer made of wood, plastic, glass or marble (claim 15).

12. In regards to the second gimbal ring assembly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to duplicate the first gimbal ring assembly (fig.3) of HUTAIN to include a second assembly, since it has

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been held that a mere duplication of working parts of a device involves only routine skill in the art. One would have been motivated to duplicate the gimbal ring assembly to hold and adjust the direction of each of the plural lamps (174c) in HUTAIN in order to selectively direct illumination on different plural areas for plural persons or objects using light in the room being illuminated. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

13. GOEBEL teaches: the first, second, third and fourth walls (1) have corners (1c, fig.10) which are mitered, butted or overlapped (col.4, lines 45-49); the outer layer (5,9) is formed of plates (5,9) that contact the first, second, third and fourth walls (col.4, lines 37-45); the plates (5,9) are regressed, flush (figs.13,16) or protruding (fig.9) with respect to the housing circumference (1); the plates (5,9) are fixed, interchangeable or removable (col.4, lines 44-45,50-51,68-75); and the outer layer (5,9) of the housing made of at least plastic or glass (col.4, lines 63-65 or lines 50-75).

14. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lighting fixture assembly of HUTAIN to include the types of housing construction as taught by GOEBEL in order to protectively house the plural lamps and allow selective removal of the outer plates to gain access to the internal lamp and associated electronic parts maintaining continued operation.

### ***Response to Arguments***

15. Applicant's arguments with respect to claims 1-3, 7-11, 15, 17 and 18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. AUBREY (US 5,073,845) shows a ballast (108) that includes a transformer (col.4, lines 22-26) connected to socket and lamp that is line voltage (col.1, lines 53-59) defined to be 120 volts or 240 volts, the transformer (108) being detached and adjacent to lamp housing (102). FENNER (US 3,534,405) shows a plural low or line voltage lamps with transformers (79) pivotally connected to the housing (211, fig.6).

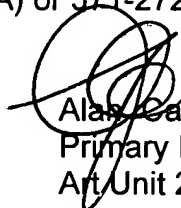
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alan Cariaso  
Primary Examiner  
Art Unit 2875

July 28, 2006  
AC